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Kuo 1999-0802

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

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| Inventor(s) | Wen-Yi Kuo | Case Name | Kuo 1999-0802 |
| Filing Date | 6/19/2001 | Serial No. | 09/883,346 |
| Examiner | Dmitry Levitan | Group Art Unit | 2662 |
| Title | Error-Rate Management in Wireless Systems | | |

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

AMENDMENT
REMARKS

This is in response to the Final Office action dated January 5, 2007.

First, applicant respectfully submits that the FINALITY of the instant Office Action is inappropriate. As was indicated by applicant in the in the response to the previous Office Action, in connection with many of the claims there had been no explanation given by the Examiner of the reasons for rejecting the claims. Now the reasons have been provided (though the Examiner has still failed to formally state the statutory basis for the rejection), but applicant is faced with a FINAL office action, without the ability to amend or to have the instant response entered as a matter of right. Respectfully, applicant is entitled to at least one "bite at the apple" *with respect to each of the claims*. Therefore, applicant respectfully requests that the FINALITY of the Action be withdrawn. This is important because, as will become clearer below, the Examiner's explanation of the rejections is, at least in connection with some of the claims, unclear, and withdrawing the FINALITY of the rejection will allow applicant a fair opportunity to respond.

Second, applicant wishes to apologize for a misunderstanding of the teachings in the Vanghi reference, US Patent 6,711,150. At line 14 of the Abstract, Vanghi states that

The effective message length is reduced at each transmission attempt
by means of the message re-transmission combining function.